



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

WRIT PETITION NO. 781 OF 2023 (GM-CPC)

BETWEEN:

DINESHA
S/O LATE SHIVANNA,
AGED ABOUT 48 YEARS
AGRICULTURIST
R/O MARUTHINAGARA
ARASIKERE TOWN
HASSAN DISTRICT- 573 103

...PETITIONER

(BY SRI. GANGADHARAPPA A V., ADVOCATE)

AND:

1. SMT MANJULA
W/O VENKATESH
AGED ABOUT 35 YEARS
R/O VITALAPURA
KASABA HOBLI
ARASIKERE TALUK
HASSAN DISTRICT- 573 103

2. SMT MAHADEVAMMA
W/O LATE SHIVANNA
AGED ABOUT 68 YEARS
R/O SIDDAPURA,
KONEHALLI POST,
TIPTUR TALUK, TUMAKUR DISTRICT
PRESENTLY R/AT INDUSTRIAL TOWN,
INDUSTRIAL ESTATE,
ARASIKERE TOWN,
HASSAN DISTRICT - 573 103.

...RESPONDENTS

Digitally
signed by
KAVYA R
Location:
High Court of
Karnataka



(BY SRI. RENSPRE PRITHESH DSOUZA., ADVOCATE FOR R1;
SRI. R.B.DESHPANDE, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE RECORDS AND PROCEEDINGS OF THE CASE QUASH THE ORDER DTD 7.11.2022 PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT ARSIKERE ON I.A.NO.10 IN ECA NO.1/2018 PRODUCED AS ANNEXURE-F AND CONSEQUENTLY ALLOW THE SAID APPLICATION I.A.NO.10 FILED UNDER ORDER 1 RULE 10920 OF CPC CERTIFIED COPY OF WHICH IS PRODUCED AS ANNEXURE-C AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S VISHWAJITH SHETTY

ORAL ORDER

This writ petition under Article 227 of the Constitution of India is filed with a prayer to set aside the order dated 07.11.2022 passed on I.A.No.10 in ECA.No.1/2018 by the Court of Senior Civil Judge and JMFC at Arsikere.

2. Heard the learned counsel for the parties.

3. Respondent No.1 herein has filed ECA.No.1/2018 before the Jurisdictional Civil Court at Arsikere under the Workmen's Compensation Act, claiming compensation



towards the injuries suffered by her in the accident in question that had taken place on 05.05.2018 within the premises of the factory belonging to respondent No.2 in which the claimant was an employee. Petitioner herein who is the son of respondent No.2 is arrayed as respondent No.1 in the said proceeding. I.A.No.10 was filed by the petitioner in ECA.No.1/2018 under Order I Rule 10(2) of CPC with a prayer to strike of him from the proceedings as he is not necessary party to the proceedings. The said application was opposed by the claimant by filing objections. The Trial Court vide the order impugned has rejected the said application and being aggrieved by the same respondent No.1 in ECA.No.1/2018 is before this Court.

4. Learned counsel for the petitioner having reiterated the grounds urged in the petition submits that petitioner is not the owner of the factory in which the claimant was working nor he is connected in any manner to the said factory. Therefore, he is not a necessary party



to the proceedings. The Trial court has failed to appreciate this aspect of the matter and has erred in rejecting the application.

5. *Per contra*, learned counsel for respondent No.1 has argued in support of the interim order. He submits that respondent No.1 is the son of respondent No.2, who is undisputedly the owner of the factory in which the accident in question that had taken place. Respondent No.1 has been examined as RW-1 before the Trial Court and during the course of his evidence he has stated that he has been managing the affairs of the factory belonging to respondent No.2. He submits that the case before the Trial Court is at the stage of addressing final arguments and therefore at this stage, it is not necessary to interfere with the impugned order. Accordingly, he prays to dismiss the petition.

6. Claim petition is filed by respondent No.1 herein before the Jurisdictional Civil Court under the provisions of



the Workmen's Compensation Act, seeking compensation for the injuries suffered by her in the accident in question that had taken place on 05.05.2018 inside the factory premises belonging to respondent No.2. It is not in dispute that respondent No.2 is the owner of the factory in which the accident in question had taken place. Petitioner herein who is arrayed as respondent No.1 in the claim petition is the son of respondent No.2 and statement of objection to the claim petition is filed by him. Before the Trial Court, respondent No.1 has been examined as RW-1 and he is also cross-examined on behalf of the claimant. It is brought to the notice of this Court by the learned counsel appearing for the claimant that respondent No.1 has categorically admitted that he was managing the affairs of the factory in which the accident in question had taken place.

7. The application I.A.No.10 was filed before the Trial Court after RW-1 was examined before the Trial Court. The Trial Court having appreciated all these aspects



of the matter has rightly rejected I.A.No.10. The case before the Trial Court is said to be now at the stage of addressing final arguments. Under the circumstances, I am of the opinion that the order impugned does not suffer from any illegality or irregularity which needs interference by the Court. Accordingly the writ petition fails and the same is ***dismissed***.

8. Pending I.A's, if any, do not survive for consideration and the same are accordingly, disposed of.

Sd/-
(S VISHWAJITH SHETTY)
JUDGE